

REMARKS

Careful consideration has been given by the applicants to the Examiner's comments and rejection of the claims, as set forth in the outstanding Office Action, and favorable reconsideration and allowance of the application, as amended, is earnestly solicited.

Applicants note the Examiner's rejection of Claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over Staines, et al., U.S. Patent No. 6,822,394 B2 in view of McPhee, U.S. Patent No. 5,798,579, as detailed in the Office Action.

Furthermore, applicants note the Examiner's rejection of Claims 1-9 on the ground of non-statutory obviousness-type double patenting, as being unpatentable over Claims 1-9 of the Staines, et al. publication, the latter of which is commonly assigned to the present assignee, and wherein the submission of a Terminal Disclaimer would obviate this particular ground of rejection.

However, applicants respectfully submit that the present claims, as amended, clearly and patentably distinguish over the art over both the Staines, et al. and the McPhee patents, irrespective as to whether these are considered singly or in combination.

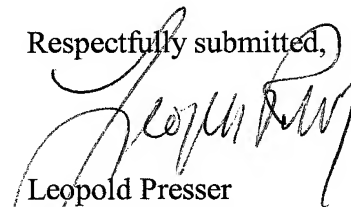
Concerning the foregoing, in order to more clearly distinguish over the art, while concurrently rendering moot the need for filing a Terminal Disclaimer, applicants have amended Claim 1 to emphasize the structural and functional distinctions thereover.

Thus, in Staines, et al., the microwave generator that is disclosed is defined by a first electrode (14) and a second electrode (15), wherein the second electrode (15) comprises a rounded configuration at an end thereof, as referred to in Column 4, Lines 36 and 37. Both of the electrodes (14) and (15) in Staines, et al., are connected to a capacitor battery 33 or a Marx impulse voltage circuit 34, referring to Column 3, Lines 21-24. A capacitor battery of the type, as

in the Marx impulse voltage circuit is known from McPhee, U.S. Patent No. 5,798,579. However, neither the Staines, et al., nor the McPhee patent disclose nor render it obvious to arrange a plurality of microwave generators in a group and to connect them electrically in parallel with each other with a charge storage means. Staines, et al. only discloses a single microwave generator, and McPhee fails to disclose the particular interconnection between the plurality of microwave generators analogous to that set forth and claimed herein.

Predicated on the foregoing comments and amendments, which are deemed to clearly distinguish over the art, the present application is deemed to be in substantial order for allowance, and the early and favorable reconsideration thereof by the Examiner and issuance of the Notice of Allowance is earnestly solicited. However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicants' attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,



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